

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/658,507
Filing Date	09/09/2003
First Named Inventor	Reiley
Art Unit	3738
Examiner Name	Isabella
Attorney Docket Number	29914.701.411

1 of 4

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
DI		US-2004/0059429	03/25/2004	Amin et al.	
		US-2005/0049705	03/03/2005	Hale et al.	
		US-3,867,728	02/25/1975	Stubstad et al.	
		US-3,875,595	04/08/1975	Froning	
		US-4,349,921	09/21/1982	Kuntz	
		US-4,759,769	07/26/1988	Hedman et al.	
		US-4,772,287	09/20/1988	Ray et al.	
		US-4,863,477	09/05/1989	Monson	
		US-4,904,260	02/27/1990	Ray et al.	
		US-4,911,718	03/27/1990	Lee et al.	
		US-5,047,055	09/10/1991	Bao et al.	
		US-5,071,437	12/10/1991	Steffee	
		US-5,147,404	09/15/1992	Downey	
		US-5,171,280	12/15/1992	Baumgartner	
		US-5,192,326	03/09/1993	Bao et al.	
		US-5,306,308	04/26/1994	Gross et al.	
		US-5,306,309	04/26/1994	Wagner et al.	
		US-5,370,697	12/06/1994	Baumgartner	
		US-5,401,269	03/28/1995	Buttner-Janiz et al.	
		US-5,437,672	08/01/1995	Alleyne	
		US-5,458,642	10/17/1995	Beer et al.	
		US-5,458,643	10/17/1995	Oka et al.	
		US-5,514,180	05/07/1996	Heggeness et al.	
		US-5,534,028	07/09/1996	Bao et al.	
DI		US-5,534,030	07/09/1996	Navarro et al.	

Examiner Signature	/David Isabella/	Date Considered	07/27/2006
-----------------------	------------------	--------------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	10/658,507	
			Filing Date	09/09/2003	
			First Named Inventor	Reiley	
			Art Unit	3738	
			Examiner Name	Isabella	
Sheet	2	of	4	Attorney Docket Number	29914.701.411

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
DI		US-5,545,229	08/13/1996	Parsons et al.	
		US-5,556,431	09/17/1996	Buttner-Janz	
		US-5,571,189	11/05/1996	Kuslich	
		US-5,645,597	07/08/1997	Krapiva	
		US-5,653,762	08/05/1997	Pisharodi	
		US-5,674,295	10/07/1997	Ray et al.	
		US-5,674,296	10/07/1997	Bryan et al.	
		US-5,676,701	10/14/1997	Yuan et al.	
		US-5,683,464	11/04/1997	Wagner et al.	
		US-5,702,450	12/30/1997	Bisserie	
		US-5,716,415	02/10/1998	Steffee	
		US-5,824,093	10/20/1998	Ray et al.	
		US-5,824,094	10/20/1998	Serhan et al.	
		US-5,865,846	02/02/1999	Bryan et al.	
		US-5,868,745	02/09/1999	Alleyne	
		US-5,893,889	04/13/1999	Harrington	
		US-6,001,130	12/14/1999	Bryan et al.	
		US-6,014,588	01/11/2000	Fitz	
		US-6,019,792	02/01/2000	Cauthen	
		US-6,039,763	03/21/2000	Shelokov	
		US-6,063,121	05/16/2000	Xavier et al.	
		US-6,066,325	05/23/2000	Wallace et al.	
		US-6,080,157	06/27/2000	Cathro et al.	
		US-6,113,637	09/05/2000	Gill et al.	
DI		US-6,132,465	10/17/2000	Ray et al.	

Examiner Signature	/David Isabella/	Date Considered	07/27/2006
-----------------------	------------------	--------------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/658,507
				Filing Date	09/09/2003
				First Named Inventor	Reiley
				Art Unit	3738
				Examiner Name	Isabella
Sheet	3	of	4	Attorney Docket Number 29914.701.411	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document <small>Country Code<sup>2</sup> - Number<sup>3</sup> - Kind Code<sup>4</sup> (if known)</small>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
DI		DE 10135771 A1	02/20/2003	Aesculap AG & Co.		X
		JP 10179622 A2	07/07/1998	Mizuho Ika Kogyo KK		X
		WO 98/48717 A1	11/05/1998	Taylor, Jean		X
		WO 99/23963 A1	05/20/1999	Dimso		X
		WO 00/38582 A1	07/06/2000	Nuvasive, Inc.		
		WO 01/30248 A1	05/03/2001	Reiley, Mark A.		
		WO 03/101350 A1	12/11/2003	Archus Orthopedics Inc.		
DI		WO 2004/071358 A1	08/26/2004	Archus Orthopedics Inc.		

Examiner Signature	/David Isabella/	Date Considered	07/27/2006
--------------------	------------------	-----------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/658,507
				Filing Date	09/09/2003
				First Named Inventor	Reiley
				Art Unit	3738
				Examiner Name	Isabella
Sheet	4	of	4	Attorney Docket Number	29914.701.411

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
DI		GOH, JC et al., "Influence of PLIF cage size on lumbar spine stability", <i>Spine</i> , (January 2000), 25(1) Medline abstract (one page).	
DI		HEAD, WC, "Wagner surface replacement arthroplasty of the hip. Analysis of fourteen failures in forty-one hips", <i>J Bone Joint Surg. Am.</i> , (March 1981) 63(3), Medline abstract (one page).	
DI		KHOO, LT et al., "A biomechanical analysis of the effects of lumbar fusion on the adjacent vertebral motion segment", Proceedings of the 2000 Annual Meeting of the North American Spine Society, New Orleans.	
DI		KOTANI, Y. et al., "The effects of spinal fixation and destabilization on the biomechanical and histologic properties of spinal ligaments. An in vivo study.", <i>Spine</i> , (March 15, 1998) 23(6), Medline abstract (2 pages).	
DI		LEMAIRE, JP et al., "Intervertebral disc prosthesis: results and prospects for the year 2000", <i>Clinical Orthopaedics and Related Research</i> , No. 337, pp. 64-76.	
DI		NAGATA, H. et al., "The effects of immobilization of long segments of the spine on the adjacent and distal facet force and lumbrosacral motion", <i>Spine</i> , (December 1993), 18(16):2471-2479, (9 pages).	
DI		NIBU, K. et al., "Multidirectional stabilizing potential of BAK interbody spinal fusion system for anterior surgery [see comments]", <i>J Spinal Discord</i> , (August 1997), 10(4), Medline abstract (one page).	
DI		TSANTRIZOS, A. et al., "Segmental stability and compressive strength of posterior lumbar interbody fusion implants", <i>Spine</i> , (August 1, 2000) 25(15), Medline abstract (one page).	

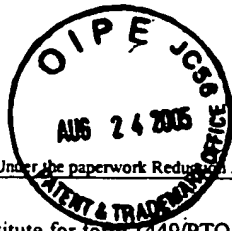
Examiner signature	/David Isabella/	Date Considered	07/27/2006
--------------------	------------------	-----------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for Form 1449/PTO</b> <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/658,507
				Filing Date	September 9, 2003
				First Named Inventor	Mark A. Reiley
				Art Unit	3738
				Examiner Name	David J. Isabella
Sheet	1	of	1	Attorney Docket Number 29914-701.411	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
DI		US-6,712,818	03-30-2004	Michelson	
		US-6,648,891	11-18-2003	Kim	
		US-6,638,281	10-28-2003	Gorek	
		US-6,632,226	10-14-2003	Chan	
		US-6,361,506	03-26-2002	Saenger et al.	
		US-6,302,890	10-16-2001	Leone, Jr.	
		US-6,193,758	02-27-2001	Huebner	
		US-6,193,724	02-27-2001	Chan	
		US-6,120,510	09-19-2000	Albrektsson et al.	
		US-6,053,917	04-25-2000	Sherman et al.	
		US-5,885,286	03-23-1999	Sherman et al.	
		US-5,700,268	12-23-1997	Bertin	
		US-5,678,317	10-21-1997	Stefanakos	
		US-5,329,933	07-19-1994	Graf	
		US-5,314,429	05-24-1994	Goble	
		US-5,303,480	04-19-1994	Chek	
		US-5,070,623	12-10-1991	Barnes	
		US-4,987,904	01-29-1991	Wilson	
		US-4,710,075	12-1-1987	Davison	
		US-4,271,836	06-09-1981	Bacal et al.	
		US-4,123,848	11-07-1978	Emmerich et al.	
		US-2,959,861	11-15-1960	Stromquist	
		US-2,930,133	03-29-1960	Thompson	
		US-1,308,451	07-01-1919	Schachat	
DI		US-2003/028250	02-06-2003	Reiley et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document <sup>3</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>4</sup> - Number <sup>5</sup> - Kind Code <sup>6</sup> (if known)			
DI		WO 2004/103227	12-02-2004	Archus Orthopedics, Inc.	

Examiner Signature	/David Isabella/	Date Considered	07/27/2006
--------------------	------------------	-----------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
\*Applicant's unique citation designation number (optional). See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. \*Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). \*For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. \*Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. \*Applicant is to place a check mark here if English language Translation is attached.  
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14.  
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.  
TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-756-9199) and select option 2.

2706490\_1.DOC

Attorney Docket No. 29914-701.411